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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ROBERT A. STANARD,

Case No. C21-959RSM

11 Petitioner,

ORDER STAYING CASE

12 v.

13 DEWAYNE HENDRIX, Warden, Federal
14 Corrections Institution at Sheridan,

15 Respondent.

16 This matter comes before the Court on Robert A. Stanard's §2255 petition, Dkt. #1.
17 Mr. Stanard challenges his convictions in *United States v. Robert Stanard*, Case No. CR16-
18 320RSM, on the ground that his original Washington State felony, which he argues was a
19 predicate for the convictions, has been vacated.
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21 The Government offers substantive arguments in opposition to granting the requested
22 relief, but also states in its Response:

23 On July 2021, after filing his motion under 28 U.S.C. § 2255,
24 Stanard filed a petition in the Supreme Court for a writ of *certiorari*. Although Stanard certainly is entitled to seek such
25 review, Stanard is not entitled to challenge his conviction in both
26 the Supreme Court and this Court at the same time. As the Ninth
27 Circuit has held, “[a] district court should not entertain a habeas
28 corpus petition while there is an appeal pending in [the Ninth

1 Circuit] or in the Supreme Court.” *Feldman v. Henman*, 815 F.2d
2 1318, 1320 (9th Cir. 1987).

3 Dkt. #6 at 6.

4 Mr. Stanard has filed a Reply brief in support of his petition but does not address the
5 issue of the requested stay. *See* Dkt. #9.

6 The Court agrees with the Government’s analysis and will stay this case pending
7 resolution of Mr. Stanard’s pending petition for a writ of *certiorari*.

8 Having reviewed the relevant briefing and the remainder of the record, the Court hereby
9 finds and ORDERS that all proceedings in this case are STAYED. The Court directs the parties
10 to notify the Court as soon as the U.S. Supreme Court has resolved Mr. Stanard’s case so that
11 the Court can rule on this petition. The Court will advise the parties if additional briefing is
12 necessary.

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15 DATED this 4th day of October, 2021.

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20 RICARDO S. MARTINEZ
21 CHIEF UNITED STATES DISTRICT JUDGE
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